



## Senate

General Assembly

**File No. 352**

February Session, 2002

Substitute Senate Bill No. 456

*Senate, April 8, 2002*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING EMPLOYMENT PROTECTION FOR CRIME VICTIMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-85b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) An employer shall not deprive an employee of [his]  
4 employment, penalize or threaten or otherwise coerce [him] an  
5 employee with respect thereto, because (1) the employee obeys a legal  
6 subpoena to appear before any court of this state as a witness in any  
7 criminal proceeding, (2) the employee attends a court proceeding or  
8 participates in a police investigation related to a criminal case in which  
9 the employee is a crime victim, or (3) a restraining order has been  
10 issued on the employee's behalf pursuant to section 46b-15, as  
11 amended. For purposes of this section, "crime victim" means an  
12 employee who suffers direct or threatened physical, emotional or  
13 financial harm as a result of a crime or an employee who is an

14 immediate family member or guardian of (A) a person who suffers  
15 such harm and is a minor, physically disabled, as defined in section  
16 46a-51, as amended, or incompetent, or (B) a homicide victim.

17 (b) Any employer who violates subdivision (1) of subsection (a) of  
18 this section shall be guilty of criminal contempt and shall be fined not  
19 more than five hundred dollars or imprisoned not more than thirty  
20 days or both.

21 [(b)] (c) If an employer discharges, penalizes or threatens or  
22 otherwise coerces an employee in violation of subsection (a) of this  
23 section, the employee, [within] not later than ninety days from the  
24 occurrence of such action, may bring a civil action for damages and for  
25 an order requiring [his] the employee's reinstatement or otherwise  
26 rescinding such action. If the employee prevails, [he] the employee  
27 shall be allowed a reasonable attorney's fee to be fixed by the court.

This act shall take effect as follows:	
Section 1	October 1, 2002

**LAB** Joint Favorable Subst. C/R

JUD

**JUD** Joint Favorable

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill prohibits an employer from terminating an employee solely on the basis of the employee's status as a crime victim. The bill does not establish regulatory responsibility for any state agency to handle any possible complaints from this bill.

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**OLR Bill Analysis**

sSB 456

**AN ACT CONCERNING EMPLOYMENT PROTECTION FOR CRIME VICTIMS****SUMMARY:**

This bill bars employers from firing an employee or otherwise penalizing, threatening, or coercing him for:

1. attending a court proceeding or participating in a police investigation related to a criminal case in which he was a victim or
2. having a restraining order issued on his behalf in a domestic violence case.

An employee is a crime victim if he (1) suffered direct or threatened physical, emotional, or financial harm as a result of a crime or (2) is the guardian of a minor, physically disabled, or incompetent person who suffered such harm, or immediate family member of a homicide victim.

An employee's recourse for violations is the same as that for an employee retaliated against for obeying a court order to testify as a witness in a criminal case. He can, no later than 90 days after an employer's violation of these provisions, file suit for damages and for reinstatement or other means of rescinding the violation.

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 14      Nay 0

Judiciary Committee

Joint Favorable Report

Yea 39      Nay 0